

# HOUSE . . . . . No. 2192

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By Mr. Smola of Palmer, petition of Thomas M. Stanley and Reed V. Hillman for legislation to authorize the Registrar of Motor Vehicles to require that applicants for motor vehicle licenses provide proof of legal residence in the United States. Transportation.

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## The Commonwealth of Massachusetts

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In the Year Two Thousand and Five.

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### AN ACT CONCERNING DRIVER'S LICENSES AND IDENTIFICATION CARDS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1     SECTION 1. Section 8 of chapter 90 of the General Laws, as  
2     appearing in the 2000 Official Edition, is hereby amended by  
3     inserting in line 2 after the word “who” the following words:— is  
4     not a United States citizen or has not been granted permission by  
5     the federal government to be present in the United States or who.

1     SECTION 2. Section 8 of chapter 90 of the General Laws, as so  
2     appearing, is further amended by inserting in line 19 after the  
3     word “require” the following sentences:— The registrar shall  
4     require applicants to provide, as a condition for obtaining a  
5     license, satisfactory proof that federal law authorizes the applicant  
6     to be present in the United States. If the registrar has reasonable  
7     cause to suspect that any document presented by an applicant as  
8     proof of identity, age or legal residency is altered, false or other-  
9     wise invalid, the registrar shall refuse to grant the license until the  
10    registrar verifies the authenticity of the supporting document. The  
11    registrar shall issue a temporary license pending verification of  
12    status and grant appeals hearings from denials of licenses, junior  
13    licenses or temporary licenses.

1     SECTION 3. Section 8 of chapter 90 of the General Laws, as so  
2     appearing, is further amended by inserting in line 50 after subsec-

3 tion (e) the following subsection:— (f) establishes before the reg-  
4 istrar satisfactory proof that federal law authorizes the applicant to  
5 be present in the United States.

1 SECTION 4. Section 8 of chapter 90 of the General Laws, as so  
2 appearing, is further amended by inserting in line 149 after the  
3 word “first” the following sentences:— If the registrar issues a  
4 license to a person who has demonstrated authorization to be pre-  
5 sent in the United States for a period of time shorter than the stan-  
6 dard validity period of the license, the registrar shall fix the  
7 expiration date of the license at a date based on the period in  
8 which federal law authorizes the applicant to be present in the  
9 United States. The registrar may renew a license only if federal  
10 law authorizes the applicant to be present in the United States.  
11 The registrar shall require a person applying to renew a license to  
12 present satisfactory proof that federal law authorizes the applicant  
13 to be present in the United States.

1 SECTION 5. Section 8B of chapter 90 of the General Laws, as  
2 so appearing, is hereby amended by inserting in line 2 after the  
3 word “who” the following words:— are not United States citizens  
4 or have not been granted permission by the federal government to  
5 be present in the United States, and who.

1 SECTION 6. Section 8B of chapter 90 of the General Laws, as  
2 so appearing, is further amended by inserting in line 7 after the  
3 word “require” the following sentences:— The registrar shall  
4 require applicants to provide, as a condition for obtaining a  
5 permit, satisfactory proof that federal law authorizes the applicant  
6 to be present in the United States. If the registrar has reasonable  
7 cause to suspect that any document presented by an applicant as  
8 proof of identity, age or legal residency is altered, false or other-  
9 wise invalid, the registrar shall refuse to grant the permit until the  
10 registrar verifies the authenticity of the supporting document. The  
11 registrar shall issue a temporary permit pending verification of  
12 status and grant appeals hearings from denials of permits.

1 SECTION 7. Section 8B of chapter 90 of the General Laws, as  
2 so appearing, is further amended by inserting in line 35 after the

3 word “occurs” the following clause:— ; provided further, if the  
4 registrar issues a permit to a person who has demonstrated autho-  
5 rization to be present in the United States for a period of time  
6 shorter than two years, the registrar shall fix the expiration date of  
7 the license at a date not to exceed the period in which federal law  
8 authorizes the applicant to be present in the United States.

1 SECTION 8. Section 8E of chapter 90 of the General Laws, as  
2 so appearing, is hereby amended by inserting in line 1 after the  
3 word “older” the following words:— and is a United States citizen  
4 or has been granted permission by the federal government to be  
5 present in the United States.

1 SECTION 9. Section 8E of chapter 90 of the General Laws, as  
2 so appearing, is further amended by inserting at the end thereof  
3 the following sentences:— An identification card or any renewal  
4 shall expire on an anniversary of the person’s date of birth occur-  
5 ring more than 12 months but not more than 60 months after the  
6 effective date of the identification card. An identification card  
7 issued to a person born on the twenty-ninth day of February shall,  
8 for the purpose of this section, expire on the first day of March.  
9 The registrar shall require applicants to provide, as a condition for  
10 obtaining and renewing an identification card, satisfactory proof  
11 that federal law authorizes the applicant to be present in the  
12 United States. If the registrar has reasonable cause to suspect that  
13 any document presented by an applicant as proof of identity, age  
14 or legal residency is altered, false or otherwise invalid, the regis-  
15 trar shall refuse to grant the permit until the registrar verifies the  
16 authenticity of the supporting document. If the registrar issues an  
17 identification card to a person who has demonstrated authorization  
18 to be present in the United States for a period of time shorter than  
19 the standard validity period of the identification card, the registrar  
20 shall fix the expiration date of the identification card at a date  
21 based on the period in which federal law authorizes the applicant  
22 to be present in the United States. The registrar may renew an  
23 identification card only if federal law authorizes the applicant to  
24 be present in the United States. The registrar shall require a  
25 person applying to renew an identification card to present satisfac-

26 tory proof that federal law authorizes the applicant to be present in  
27 the United States.

1 SECTION 10. Notwithstanding any general or special law to  
2 the contrary, the validity of an identification card issued under  
3 section 8E of chapter 90 without an expiration date shall cease,  
4 and the registrar of motor vehicles shall cancel the identification  
5 card, after September 2, 2002, but no later than November 1,  
6 2002.

1 SECTION 11. Chapter 90 of the General Laws, as so appearing,  
2 is further amended by inserting the following section:—

3 Section 8M. Any person who presents to the registrar false or  
4 misleading information as to the person's name, residency, citi-  
5 zenship or immigration status, shall be punished by imprisonment  
6 in the state prison for not more than five years, or in the house of  
7 correction for not more than two and one-half years, or by a fine  
8 of not more than \$5,000, or both.